

Censor

S A T U R D A Y, DECEMBER 21, 1771.

VEXAT CENSURA COLUMBAS.

Published by E. RUSSELL, at his Printing-Office, in Marlborough-Street ; where, (if suitable Encouragement is offered) this Paper may be had once a Week, Price *Two Pence* per Number to Subscribers.

I NOW resume the subject I lately laid before the Publick : If herein I recount the measures that have been pursued under the same baleful influence in years past, even in the great Assembly of our tribes, I hope it can give no offence to the present General Assembly or any branch of it ; for I look upon myself as much at liberty to disclose the conduct of any preceeding assembly however recent, as that of the most remote from the present day.

OUR pretended patriots, in imitation of the reformers of the last century in England, have in a manne: overturned the very constitution of our civil government. The King's Council has been new modelled, and some Gentlemen who have been always thought, until of late, notwithstanding their publick stations, to be equally qualified with other deserving Gentlemen, to fill the seats at the board, have been excluded. Strange solecism, that an appointment under the *King* or under the *King's* Governor, although made by advice of Council should disqualify a Gentleman from being of the *King's* Council ! Such exclusion has taken place so long, that it is not now considered as an object of attention : For the custom, on the day of election, it seems is to put up the list of the preceeding year ; and it is thought hard to exclude any Gentleman in that list without special reason ; if therefore there be no objection, the list prevails of course.

THE house of Representatives has been likewise purged by exhibiting the minority on any interesting question in the most odious

odious colours, or as it is tritely called, *in the black list* ; inasmuch that some of the Gentlemen have voluntarily withdrawn from the house, while others have been neglected by their towns. It is well known, that questions have been sometimes carried unanimously, and that some of the members have afterwards, among friends, declared themselves to have been otherwise minded, but that the times would not allow of a publick declaration of their sentiments. Should this practice take place in the present house and in future houses of Assembly, we may bid farewell to the liberties of the people ; for our liberties depend as much upon freedom of speech and a free vote within the house, as upon a FREE PRESS without.

SOME men appear insensible of the great privilege we enjoy in this province of carrying on our elections by ballot ; a way wherein no man is obliged to let another know for whom he gives his vote ; every elector is free when he can give his vote without exposing himself to the resentment of his patron or the man on whom he depends. This is a privilege which the electors in Britain and in some of our neighbour colonies are wishing for in vain ; yet contrary to this true spirit of liberty in our own constitution, it has been usual to put popular questions in the house by yeas and nays *seriatim*, and to affix every mans vote to his name : Thus the numbers 17 and 92 have been distinguished and handed abroad with marks of applause or reprobation, to the destruction of our boasted freedom. Thus have the two houses been subjugated to the imperious dictates of the then ruling despots. And now the Governor in his turn is to be abused without doors unless he will act in direct violation of the King's instructions, and give up the rights of the crown. It seems that just at the close of the last session, his Excellency received a body of instructions under the King's sign manual with the privy seal annexed, strictly enjoining him, upon no pretence whatever, to give his assent to any tax act, wherein any persons employed in the King's service, whose services have no *particular relation to the province*, shall be taxed for the salaries allowed them by the King for his Majesty's *general service*. It is certain that the Commander and officers of his Majesty's ships stationed here, the Commander in chief and officers of the army, and the Surveyor-General of his Majesty's customs, while that office subsisted, although taxed for their houses or other estate, yet were never taxed for their salaries : And why a difference should be made between them and other officers under the like circumstances is not very obvious. The King's positive injunction thus authenticated, is represented as a mere ministerial mandate,—as if it had been the direction of the Secretary of State only, and possibly too without the King's
privy :

privity : And not only so, but it is also given out that his Excellency is required to give his assent to *no other act of government* until this is complied with. These are such palpable misrepresentations that I have reason to think there is no member of the General Court but what knows or might know the contrary to be the truth. The court having finished the business of the session was prorogued within a day or two at most after this instruction came to hand : They had little time to consider the merits of it, and did not see fit to comply therewith : Since that, it has been a popular subject of abuse.

GOVERNOR Hutchinson's commission requires him to obey the King's instructions, and so did Sir William Phips's, the first Governor under the present charter ; yet it was then acquiesced in and considered as a part of the constitution ; for the then General Court expressed by a publick act their desire to have a day of publick thanksgiving to God for the resettlement of the government, which in the proclamation issued by the Governor for that purpose is called " a settlement of government ; in which " their Majesties have graciously given us distinguishing marks " of their royal favour and goodness"—Nor have we any tradition that any one Minister within the Province refused to read this proclamation, or read it with comments of his own.

INFINITE pains have been taken to disturb the peace of the province, by infusing into the minds of the people false notions of the nature and origin of the government under which they live. One of these false notions on which the reasonings of our politicians much depends, is this. " The charter is said to be " a compact, and that the people have a right to all the privileges to which men in a state of nature are intitled unless " they have expressly given them up by this charter." This would have been thought an extravagant doctrine seven years ago. How was this charter obtained ? Were the people invited to part with certain of their natural rights and privileges and yield up a prerogative to the Crown ? Was there any stipulation made by any person or persons on the part of the province that they would give up these natural privileges and allow the King to exercise certain powers, I will not say, which he had reserved, but which they were willing to concede to him ? No my countrymen, your ancestors humbly petitioned the crown to grant them this charter as a great favour. Such conditions were annexed to the privileges granted as to the Crown seemed proper. Your ancestors thankfully accepted this charter with these conditions : And, what is more to my purpose, previous to this application they humbly petitioned the *Parliament*, that
authority

authority which is now openly denied, to restore to them a former charter which by a judgment in Westminster-Hall had been vacated ; which petition was not granted.

By virtue of the authority which the constitution of England gives to the Crown, this charter was granted to our ancestors as English subjects. There is nothing in the charter to exempt us from the general obligations, which, as subjects, we were before under : Nothing to abridge the authority of Parliament over us, nor perhaps was it in the power of the Crown to grant such a charter. Here let me ask one question—If our allegiance depends upon compact, why did not our ancestors after the first charter was vacated, mould themselves into such a form of government as they liked best without renewing a compact which had given them so much trouble ?

It seems with some men to be a fundamental in our constitution, that the legislature of each colony is supreme and independent of the Parliament of Great-Britain. Here they go beyond all who have gone before them. The Virginia writer, who first broached the imaginary distinction between taxation and legislation, never went this length : No more did the Pennsylvania farmer. The honour of this bold stroke was reserved for a Massachusetts patriot. Strange that all America should have been ignorant of this important privilege a hundred and fifty years together ! A privilege said to be common to all the colonies, and their birthright as Englishmen : A privilege however to be dreaded as the greatest misfortune ; for by asserting it we relinquish all claim to the protection of Great-Britain ; and it is no comfort to me, whatever it may be to some men who publicly declare it to be so to them, that if Great Britain will not protect us, there are other nations in Europe ready to do it. What infatuation is this ? Is there any other nation upon the globe under whose government we should be so happy as we now are under Britain ? I may venture to say, that with such tenderness have we been treated, that the people in the colonies feel less by far of the burthens of government than our fellow-subjects in Britain. I have enlarged on this head beyond my first intention, and am almost ashamed that I have treated such indefensible notions so seriously. If they had been adopted by our news-paper writers only I could not excuse myself.

FREEMAN.